UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
KEEEN, RICHARD G

ART UNIT	PAPER NUMBER
2456	

NOTIFICATION DATE	DELIVERY MODE
05/18/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/564,848	MIN ET AL.
	Examiner	Art Unit	
	RICHARD G. KEEHN	2456	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>17 March 2010</u>.

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>47-56</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>47-56</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   **Claims 47-56 have been examined and are pending.**

2.   **Claims 1-46 have been cancelled.**

3.   **Claims 47-56 are new.**

Continued Examination Under 37 CFR 1.114

4.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

3/17/2010 has been entered.

Response to Arguments

5.   Applicant's arguments with respect to claims 21, 24-27, 30, 32, 33, 39, 40 and

43-36 have been considered but are moot in view of the new ground(s) of rejection.

6.   Applicant's arguments, see page 5, filed 3/17/2010, with respect to the objection

to Claim 40 have been fully considered and are persuasive because Applicant has

cancelled the claim. The objection to Claim 40 has been withdrawn.

7.   Applicant's arguments, see page 5, filed 3/17/2010, with respect to the rejection

of Claims 21, 24-27, 30, 32, 33, 39, 40 and 43-46 under 35 U.S.C. 112 have been fully

considered and are persuasive. The rejection of Claims 21, 24-27, 30, 32, 33, 39, 40
and 43-46 under 35 U.S.C. 112 has been withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can
be found in a prior Office action.

8.   **Claims 47, 49-52 and 54-56 are rejected under 35 U.S.C. 103(a) as being
unpatentable over US 2003/0046338 A1 (Runkis), and further in view of US
2004/0225682 A1 (Murman et al.).**

As to Claims 47 and 52, Runkis discloses a method, and apparatus respectively,
for controlling content playback related information in a network including a server, a
playing device, and a controller, the controller being used for controlling the server and
the playing device, the server and the playing device, the method being performed by
the controller and comprising:

matching a protocol and a data format between the server and the playing device
(Runkis discloses the user requesting to continue playback of a movie which includes
the rendering state of where the user stopped watching previously and data content
control of where to restart the audio and video content playback services, the
resumption information being audio and visual characteristics of playback. The fact that
the streaming is communicated successfully indicates that protocol and data format
must necessarily match - ¶ [0078]; ¶ [0208] discloses the FTP protocol is used);

causing the playing device matched with the server in the protocol and data

format to receive content streamed from the server such that the content is rendered

through the playing device (Runkis discloses the user requesting to continue playback

of a movie which includes the rendering state of where the user stopped watching

previously and data content control of where to restart the audio and video content

playback services, the resumption information being audio and visual characteristics of

playback. The fact that the streaming is communicated successfully indicates that

protocol and data format must necessarily match - ¶ [0078]; ¶ [0208] discloses the FTP

protocol is used);

causing the playing device to transmit transport state values and rendering state

values according to a request signal, the request signal for storing current status

associated with playback of the streamed content, the transport state values associated

with current streaming status of the content and the rendering state values associated

with current rendering status of the content (Runkis, at ¶ [0078] discloses a service

being capable of storing the state of playback, and retrieving and rendering at a different

location from the point in the rendering where playback was interrupted; ¶ [0078]

discloses the rendering state being captured for the restart of rendering at another

location. ¶ [0049] discloses the use of multiple PANO objects which are a superobject

encompassing both software and hardware. ¶ [0065] discloses that the PANO monitors,

controls and regulates data transfers across a network. ¶ [0073] discloses that the

server in this PANO network is the central controller's database, wherein the user's

preference codes are transferred as an input argument to the central controller. ¶ [0072]

discloses user-generated data files being stored in a non-volatile storage medium. ¶¶

[0078 and 0097] disclose that a PANO {at the playing device} sends user-generated

data among other PANO's for purposes of controlling the user's "programming" such as

the resumption information being audio and visual characteristics of playback); and

causing the server to store the transport and rendering state values (Runkis at ¶

[0072] discloses user-generated data files being stored in a non-volatile storage

medium),

wherein the controller (Runkis discloses central controller at ¶ [0074]) causes the

server (Runkis at ¶¶ [0065 and 0091] discloses that PANO's also function as servers, or

the central controller's database may also be a server - ¶ [0074]) to transmit the stored

transport state values and the stored rendering state values to be received by the

controller (Runkis discloses the master control system controlling the sending and

receiving of information between itself and PANO's - ¶ [0097]; ¶ [0065] discloses

PANO's function as servers or display devices),

wherein the controller causes the playing device to set the rendering state values

received by the controller for rendering the content and to set the transport state values

for streaming the content (Runkis at ¶ [0074] discloses the central controller sending the

user-generated data files, which include rendering states, to the PANO for display at the

PANO where the user currently resides),

wherein the content is streamed from the server to the playing device according

to the set transport state values in order to be rendered in the playing device according

to the set rendering state values (Runkis, Page 6, ¶ [00764] discloses the retrieval of

playback information from the central server via data files to a second PANO; ¶ [0208] discloses streaming from server to display viewer); and

the server and the playing device (Runkis at ¶¶ [0065 and 0091] discloses that PANO's also function as servers, or the central controller's database may also be a server - ¶ [0074] ; ¶ [0065] discloses PANO's function as servers or display devices).

Runkis does not explicitly disclose configured in either push mode or pull mode; and configured in pull mode. However, Murman et al. disclose

configured in either push mode or pull mode (Murman et al. disclose the pull mode or push mode is used wherein a client pulls the information needed from a server in the pull mode, and a server pushes the information a client needs in the push mode - ¶ [0042]); and

configured in pull mode (Murman et al. disclose the pull mode or push mode is used wherein a client pulls the information needed from a server in the pull mode, and a server pushes the information a client needs in the push mode - ¶ [0042]).

It would have been obvious to one of ordinary skill in the art to combine configured in either push mode or pull mode; and configured in pull mode, taught by Murman et al., with controlling content playback related information in a network including a server, a playing device, and a controller taught by Runkis, in order to allow either a data source or destination to initiate transfer of data to be synchronized (Murman et al. - ¶¶ [0004 and 0042]).

As to Claims 49 and 54, the combination of Runkis and Murman et al. discloses the method, and apparatus of claims 47 and 52, respectively,

wherein the transport state values are associated with an audio/video (AV) transport application provided by the playing device (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback).

As to Claims 50 and 55, the combination of Runkis and Murman et al. discloses the method, and apparatus of claims 47 and 52, respectively,

wherein the rendering state values are associated with a rending control application provided by the playing device (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback).

As to Claims 51 and 56, the combination of Runkis and Murman et al. discloses the method, and apparatus of claims 47 and 52, respectively,

wherein the transport and rendering state values are stored in the server with identification information for identifying the stored transport and rendering state values

(Runkis at ¶ [0072] discloses user-generated data files being stored in a non-volatile

storage medium identifying the user by virtue of being user-generated).

9.   **Claims 48 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over the combination of Runkis and Murman et al., and further in view of US

2003/0023577 A1 (Sundius et al.).

As to Claims 48 and 53, the combination of Runkis and Murman et al. discloses

the method, and apparatus of claims 47 and 52, respectively, further comprising.

The combination of Runkis and Murman et al. discloses the playing device and

server, but does not disclose comparing the protocol and the data format between the

[client] and the server to prepare a connection between the [client] and the server.

However, Sundius et al. disclose

comparing the protocol and the data format between the [client] and the server to

prepare a connection between the [client] and the server (Sundius et al. at ¶¶ [0014 and

0028] disclose the protocol adaptor which allows disparate client and server protocols to

communicate. Adapting protocol also includes adapting data format since data format is

a function of protocol).

It would have been obvious to one of ordinary skill in the art to combine

comparing the protocol and the data format between the client and the server to prepare

a connection between the client and the server, taught by Sundius et al., with matching

a protocol and a data format between the server and the playing device in a globally

distributed environment taught by the combination of Runkis and Murman et al., in order

to deal with a plurality of protocol in a distributed system (Sundius et al. - ¶ [0011]).

Examiner Notes

10.   Applicant may wish to further define data format matching in independent form.

11.   The aforementioned recommendation(s) does not necessarily indicate allowable

subject matter. Further search and/or reconsideration may be required depending on

any response. The recommendation(s) is presented to assist in advancing prosecution.

Any decision on whether the aforementioned recommendation overcomes the prior art

will need to be determined after seeing any proposed amendments and/or arguments.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. These were submitted in a prior Office action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to RICHARD G. KEEHN whose telephone number is

(571)270-5007. The examiner can normally be reached on Monday through Thursday,

9am - 8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rupal D. Dharia/
Supervisory Patent Examiner, Art
Unit 2400

RGK